

45 E Boston Mills Road • Boston Hts., Ohio 44236
Phone 330.650.4111 or 330.656.2575 Fax 330.655.9578

Board of Zoning Appeals

GENERAL INFORMATION

The Board of Zoning Appeals (BZA) of the Village of Boston Heights (OH) is organized pursuant to Article 713.11(A) of the Ohio Revised Code, and Chapter 1145 of the Codified Ordinances of the Village. The BZA deals primarily with land use cases under the Village *Planning and Zoning Code*, which is Part 11 of the Codified Ordinances (CO).

BZA Powers and Duties

The Board's powers and duties are stated in CO 1145.04. The Board hears and decides requests for variances of the Zoning Ordinance, defined as Titles 5 through 9 of the Planning and Zoning Code (Part 11 of the Codified Ordinances). In addition, the BZA hears appeals of decisions of the Village Zoning Inspector. Those decisions may be based on findings by the Village Engineer, Solicitor, or other officials concerning land use and zoning matters. The appeal procedure is defined in CO 1145.03. Per the current Village Planning Fee Schedule (and previously, CO 1145.05), all applications to the BZA require a non-refundable fee of \$100.

The Board hears evidence, takes testimony under oath, accepts exhibits and makes decisions based on all of the evidence presented at the hearing. The BZA has organized and adopted rules and regulations deemed necessary to implement the Zoning Code (CO 1145.02), which the Zoning Inspector will observe in enforcing the Zoning Code (CO 1143.02). The BZA may be invited to advise the Planning Commission in the role of a special committee. However, the BZA has no legislative power; therefore, it can neither make nor modify the zoning laws or map.

The BZA also has a role in a number of other matters assigned by the Village's Codified Ordinances, including:

- * Appeal of Site Clearing permitting decision by Village Engineer - CO 720.05
- * Grant Certificate of Zoning Compliance denied by the Zoning Inspector - CO 1147.01(f).
- * Definition of information required for a Zoning Permit - CO 1147.02(b).
- * Specific approval of location of cemeteries in Residential District - CO 1153.03(d).
- * Specific approval of location of golf courses in Residential District - CO 1153.03(e).
- * Extension of 30 day limit for parking of visitors' RVs - CO 1171.08(b).
- * Permission to establish a rubbish dump - CO 1171.11.
- * Appeal of a riparian setback boundary decision by Summit SWCD - CO 1181.08.
- * Appeals and variances of *Property Maintenance Code, Building Code* - CO 1313.02, .03.
- * Variances to *Fire Districts, Building Code* - CO 1373.12.
- * Appeals and variances of *Flood Damage Prevention, Building Code* - CO 1377.05.
- * Appeals of the findings of the Board of Nuisance Abatement - CO 1379.94.

BZA Members & Village Staff

Four members of the BZA are appointed by the Mayor with the consent of Council and serve staggered four-year terms. Board members are residents of the village, who volunteer for this service without compensation. A member of Council is also designated as the Council representative to the BZA, and votes with the board. A quorum is three members. The Mayor may appoint substitute members to serve in the absence of regular members. (CO 1145.01,02).

As of January 2017:

Kathleen May - Board Member, through 12/31/17

William Hinkle - Board Member, through 12/31/18

Ronald Dick - Board Member, through 12/31/19

Ted Chandler - Board Member, through 12/31/20

Michael Bush - Alternate Board Member

Don Polyak - Council Representative

OHM Advisors: Frederick Alderman - Zoning Inspector (w/ Jason Grubaugh, David Krock)

Summit County Building Department - Building Inspector

Village Hall Clerk - (applications)

Please direct all inquiries and correspondence to the Clerk, or as directed by the Village Hall. General zoning questions should be directed to the Zoning Inspector. Please *do not* contact members of the BZA directly on matters that may appear before the board.

Meetings

Regular BZA meetings are held in conjunction with the monthly meetings of the Planning Commission, at the Boston Heights Village Hall, 45 E. Boston Mills Road. The BZA typically meets on the first Wednesday of each month, at 7:00PM Eastern time. Additional dates may be scheduled as needed.

All meetings of the BZA are public meetings, except insofar as required by the Ohio Revised Code. A BZA hearing, while quasi-judicial in nature, is still relatively informal. The Board strives to accommodate the public and issue decisions that balance property rights with the public good, and the requirements of the Planning and Zoning Code.